

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DAVID J. PALUH

Plaintiff,

v.

ORDER
02-CV-850

HSBC BANK USA

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio pursuant to 28 U.S.C. § 636(b)(1), on February 5, 2003. On February 11, 2004, defendant filed a motion for summary judgment. On June 30, 2005, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion for summary judgment should be granted and the Clerk of Court directed to close the file.

Plaintiff filed objections to the Report and Recommendation on August 19, 2005, and the defendant filed a response thereto. Oral argument on the objections was held on October 21, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument

from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion for summary judgment is granted. The Clerk of Court is directed to take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: January 13, 2006